

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1326

AN ACT

AMENDING SECTION 13-107, ARIZONA REVISED STATUTES; RELATING TO TIME
LIMITATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-107, Arizona Revised Statutes, is amended to
3 read:

4 13-107. Time limitations

5 A. A prosecution for any homicide, any offense that is listed in
6 chapter 14 or 35.1 of this title and that is a class 2 felony, any violent
7 sexual assault pursuant to section 13-1423, any violation of section
8 13-2308.01, any misuse of public monies or a felony involving falsification
9 of public records or any attempt to commit an offense listed in this
10 subsection may be commenced at any time.

11 B. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, A PROSECUTION FOR A
12 SERIOUS OFFENSE AS DEFINED IN SECTION 13-604 WHERE DEOXYRIBONUCLEIC ACID WAS
13 COLLECTED MAY BE COMMENCED AT ANY TIME IF DEOXYRIBONUCLEIC ACID EVIDENCE IS
14 SUBSEQUENTLY DISCOVERED OR IS FOUND TO EXIST.

15 ~~B.~~ C. Except as otherwise provided in this section, prosecutions for
16 other offenses must be commenced within the following periods after actual
17 discovery by the state or the political subdivision having jurisdiction of
18 the offense or discovery by the state or the political subdivision that
19 should have occurred with the exercise of reasonable diligence, whichever
20 first occurs:

- 21 1. For a class 2 through a class 6 felony, seven years.
- 22 2. For a misdemeanor, one year.
- 23 3. For a petty offense, six months.

24 ~~C.~~ D. For the purposes of subsection ~~B~~ C of this section, a
25 prosecution is commenced when an indictment, information or complaint is
26 filed.

27 ~~D.~~ E. The period of limitation does not run during any time when the
28 accused is absent from the state or has no reasonably ascertainable place of
29 abode within the state.

30 ~~E.~~ F. The period of limitation does not run for a serious offense as
31 defined in section 13-604 during any time when the identity of the person who
32 commits the offense or offenses is unknown.

33 ~~F.~~ G. The time limitation within which a prosecution of a class 6
34 felony shall commence shall be determined pursuant to subsection ~~B~~ C,
35 paragraph 1 of this section, irrespective of whether a court enters a
36 judgment of conviction for or a prosecuting attorney designates the offense
37 as a misdemeanor.

38 ~~G.~~ H. If a complaint, indictment or information filed before the
39 period of limitation has expired is dismissed for any reason, a new
40 prosecution may be commenced within six months after the dismissal becomes
41 final even if the period of limitation has expired at the time of the
42 dismissal or will expire within six months of the dismissal.